

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARC S. KIRSCHNER, As Trustee of the
Refco Private Actions Trust,

Plaintiff,

-against-

PHILLIP R. BENNETT, SANTO C.
MAGGIO, ROBERT C. TROSTEN, MAYER
BROWN, LLP, MAYER BROWN
INTERNATIONAL, LLP, and GRANT
THORNTON LLP,

Defendants.

07 MDL 1902 (JSR)

07 Civ. 8165 (JSR)

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~~[PROPOSED]~~ ORDER *[Signature]*

On June 3, 2010, Special Master Daniel J. Capra, issued a Report and Recommendation recommending the dismissal of counts 5, 6, and 7 with prejudice against defendants Mayer Brown International, LLP and Mayer Brown, LLP (together, "Mayer Brown"). After the Plaintiff timely submitted Objections to the Report and Recommendation on June 14, 2010, and Mayer Brown responded thereto on June 24, 2010, the Court heard oral argument on July 28, 2010, and on December 13, 2010, the Court adopted in full the Report and Recommendation of the Special Master, dismissing with prejudice the Amended Complaint in its entirety against Mayer Brown.

On September 4, 2012, defendant Grant Thornton LLP and plaintiff Marc S. Kirschner entered into a joint stipulation of dismissal with prejudice, so ordered and filed by the Court on September 4, 2012.

On October 1, 2012, defendants Phillip R. Bennett, Santo C. Maggio, and Robert C. Trosten and plaintiff Marc S. Kirschner entered into a joint stipulation of dismissal with prejudice, so ordered by the Court on October 10, 2012, and filed on October 12, 2012.

Accordingly, for the reasons stated in the Court's Order dated December 13, 2010, and the Stipulations of Dismissal entered on September 5, 2012, and October 12, 2012, the Amended Complaint hereby is dismissed in its entirety, with prejudice, and the Clerk of the Court is directed to enter final judgment in the matter of Kirschner v. Bennett, 07 Civ. 8165.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

DATED: New York, New York
October 22, 2012

